

### **REMARKS**

Claims 1-2, 5-10, 12-15 and 18-21 are pending in the application.

Claim 9 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. It is believed the amendment to claim 9 overcomes this rejection.

Claims 1-2, 5-8, 10, 12-14, 16 and 18-21 have been rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,658,298 to Vincent et al. ("Vincent"). This rejection is respectfully traversed as follows.

Applicant respectfully submits that Vincent does not teach or suggest the invention of independent claims 1, 5 or 13. For example, Vincent does not disclose a sleeve defining a first aperture and a second aperture disposed substantially parallel to the first aperture or that the second aperture remains substantially unfilled when the ring is in a closed position, as recited in independent claim 1. Rather, as shown in Figure 1 of Vincent, apertures 15 and 16 are disposed perpendicular to each other. In addition, Figure 2 of Vincent shows that both apertures are substantially filled when the ring is in a closed position. For at least these reasons, it is respectfully submitted that independent claim 1 and the claims that depend therefrom are patentable over Vincent.

With respect to independent claim 5, it is respectfully submitted that Vincent does not teach or suggest a first aperture in a sleeve and a tab that defines a second aperture disposed substantially parallel to the first aperture. As discussed above, apertures 15 and 16 of Vincent are disposed perpendicular to each other. Moreover, Vincent does not disclose a first reinforcement flange on a first end part of a closure system and a second reinforcement flange located adjacent to and in between the first aperture and the second aperture. Rather, to the extent the portion between the sleeve 14 and the aperture 16 is a reinforcement flange, Vincent has only one such flange, not a first and second reinforcement flange, as recited in independent claim 5. For at least these reasons, it is respectfully submitted that independent claim 1 and the claims that depend therefrom are patentable over Vincent.

As to independent claim 13, it is respectfully submitted that Vincent does not teach or suggest a first reinforcement flange positioned at the first portion of a sleeve and a second reinforcement flange disposed adjacent to and in between an aperture and a tab hole. As discussed

above, Vincent does not disclose more than one reinforcement flange. In addition, Vincent does not teach or suggest that the tab hole remains substantially unfilled when the closure system is in a closed position, as recited in independent claim 13. Rather, as discussed above, Figure 2 of Vincent shows that both apertures 15 and 16 are substantially filled when the closure system is in a closed position. For at least these reasons, it is respectfully submitted that independent claim 13 and the claims that depend therefrom are patentable over Vincent.

Claims 9, 11, 15 and 17 have been rejected under 35 U.S.C. § 103(a) over Vincent in view of U.S. Patent No. 4,442,153 to Meltsch ("Meltsch") and further in view of U.S. Patent No. 4,176,412 to Peterson ("Peterson"). This rejection is respectfully traversed as follows.

First, claims 11 and 17 have been canceled. Claim 9 depends from independent claim 1 and incorporates all the elements thereof. As discussed above, Vincent does not disclose that the second aperture remains substantially unfilled when the ring is in a closed position, as recited in independent claim 1. It is respectfully submitted that neither Meltsch nor Peterson makes up for this deficiency of Vincent. In Meltsch, the holes receive pins when the sleeve is in the closed position. *See, e.g.*, Meltsch at col. 4, lines 48-50 ("[t]he holes or apertures 7 receive the pins 6 and coact therewith to form the closure means"). Peterson teaches a container for urine and does not disclose a ring defining a first and second aperture and having a closed position. For at least these reasons, it is respectfully submitted that claim 9 is patentable over Vincent in view of Meltsch and further in view of Peterson.

Claim 15 depends from independent claim 13 and incorporates all the elements thereof. As discussed above, Vincent does not teach or suggest that the tab hole remains substantially unfilled when the closure system is in a closed position, as recited in independent claim 13. Neither Meltsch nor Peterson makes up for this deficiency of Vincent. As discussed above, the holes of the Meltsch device receive pins when the sleeve is in the closed position, and Peterson does not teach a ring defining an aperture and a tab hole and having a closed position. For at least these reasons, it is respectfully submitted that claim 15 is patentable over Vincent in view of Meltsch and further in view of Peterson.

Moreover, Vincent teaches away from Meltsch and Peterson. Vincent teaches a laparoscopic tool for ease of manipulation through a laparoscopic cannula comprising a notch feature at a precise

location on the device to provide a controlled, even, in-line pulling of the strap locking head through the buckle conduit. *See* Vincent at col. 5, lines 5-20 (“[t]he notch feature of the instrument is positioned so that it will be the correct distance from the tip and buckle tab interface such that the notch can be positioned directly over the bump or shoulder on the strap”). According to Vincent, this configuration provides smooth, in-line traction and eliminates damage to the strap, to the buckle or to surrounding tissue. *See id.* at col. 1, line 65 – col. 2, line 8. However, Meltsch teaches a sleeve having overlapping edges and multiple reinforcing elements along each overlapping edge. One skilled in the art would not be motivated to combine Vincent with Meltsch because multiple overlapping edges and multiple reinforcing elements would make the Vincent device thicker, compromise the smooth, in-line traction of the device and make it more difficult to manipulate the device through a laparoscopic cannula.

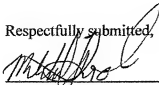
Peterson teaches a receptacle for collecting the mid-stream portion of a urine discharge. The receptacle has a protective member comprising a retaining portion having an inner circumferential flange and an outer circumferential flange. *See* Peterson at col. 1, lines 32-40. According to Peterson, the inner and outer flanges retain the rim of the container such that the protective member supports the receptacle during collection of the discharge. As with Meltsch, one of skill in the art would not be motivated to combine Vincent with Peterson because having both an inner and outer flange would make the Vincent device thicker, compromise the smooth, in-line traction of the device and make it more difficult to manipulate the device through a laparoscopic cannula.

**Conclusion**

It is believed that all objections and rejections in the application have been addressed and that the present application is in condition for allowance. A favorable reconsideration and allowance of the pending claims is solicited. If necessary, the Commissioner is hereby authorized in this and concurrent replies to charge payment (or credit any overpayment) to Deposit Account No. 50-2298 for any additional required fees.

Dated: January 27, 2010

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Mitchell P. Brook', is written over a horizontal line.

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